

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AAEON Electronics, Inc., a New Jersey
corporation,

Plaintiff,

v.

NEC Display Solutions of America, Inc., a
Delaware corporation.

Defendant.

Case No. 1:21-cv-04397

Hon. Robert M. Dow, Jr.

STATUS REPORT ON NEC’S MOTION TO COMPEL

Defendant, NEC Display Solutions of America, Inc. (“NEC” or “Defendant”), files this Status Report pursuant to the Court’s direction at the presentment hearing for NEC’s Motion to Compel Discovery Responses on February 8, 2022, and respectfully states as follows:

INTRODUCTION

1. The parties appeared before the Court on February 8, 2022 regarding NEC’s Motion to Compel Discovery Responses. At the hearing, counsel for AAEON Electronics, Inc. (“AAEON” or “Plaintiff”) advised it would produce discovery responses no later than Friday, February 11, 2022, and the Court requested that NEC file a status report if AAEON failed to produce discovery by that date. Two weeks later, despite receiving several discovery extensions and contrary to its representations to the Court, AAEON still has not produced discovery or even provide a date on which it intends to produce discovery. Accordingly, NEC files this Status Report pursuant to the Court’s direction, and respectfully requests that the Court re-set this matter for a hearing on February 22 or 23, 2022 or to otherwise resolve the pending motion to compel.

BACKGROUND

2. As set forth in its Motion, NEC served interrogatories and requests to produce documents on AAEON nearly three months ago, on November 30, 2021. Dkt. No. 31, Ex. A.

3. Plaintiff did not respond to the discovery requests by December 30, 2021, and therefore waived any objections thereto. *See Bd. of Educ. of Evanston Twp. High Sch. Dist. No. 202, Cook Cty., Ill. v. Admiral Heating & Ventilating, Inc.*, 104 F.R.D. 23, 27 (N.D. Ill. 1984).

4. Nevertheless, in a good-faith effort to resolve this discovery dispute without court intervention, counsel for NEC scheduled a meet-and-confer on January 18, 2022 regarding AAEON's failure to respond. Dkt. No. 31, Ex. B.

5. During this meet-and-confer, NEC's counsel agreed to a 14-day extension to January 28, 2022.

6. AAEON did not produce discovery by January 28, 2022.

7. Because the discovery deadline in this matter is March 1, 2022, NEC filed a Motion to Compel on February 2, 2022. Dkt. No. 31.

8. The Court held a presentment hearing on February 8, 2022.

9. At the hearing, the Court entered and continued NEC's Motion because counsel for AAEON advised it would produce responsive documents no later than Friday, February 11, 2022. In turn, the Court requested that NEC file a status report if AAEON failed to produce discovery by that date. Dkt. No. 34.

10. AAEON did not produce discovery by February 11, 2022 and has not produce any responses as of the date of this filing.

11. Again, in a good-faith effort to resolve this discovery issue, counsel for NEC emailed AAEON on February 11, 2022 and February 14, 2022 requesting the status of AAEON's discovery responses.

12. Counsel for AAEON responded on February 15, 2022 advising it “should” be able to produce discovery responses “shortly,” but otherwise failed to produce discovery or even provide a concrete timeline of when it intends to produce discovery.

13. At this point, AAEON has not produced any discovery even though (a) NEC served its discovery requests almost three months ago, (b) AAEON has received multiple extensions, (c) AAEON represented to the Court it would produce discovery responses by now, and (d) the discovery deadline is just days away on March 1, 2022.

14. Although NEC is mindful of burdening the Court with discovery disputes, Defendant respectfully requests that the Court set this matter for a hearing on February 22 or 23, 2022 in order to address AAEON’s failure to respond to discovery, as well as the upcoming discovery deadline.

Respectfully,

Sharp NEC Display Solutions of America, Inc.,

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the foregoing document was filed with the Court's CM/ECF system on February 18, 2022 and thereby caused to be served on all counsel of record registered to receive such service.

/s/ Casey T. Grabenstein